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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,399	07/13/1999	AKIRA OGINO	09812.0492-00000	9658

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EXAMINER	
ABDI, KAMBIZ	
ART UNIT	**PAPER NUMBER**
3621	

MAIL DATE	DELIVERY MODE
07/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/351,399	OGINO ET AL.	
	Examiner	Art Unit	
	Kambiz Abdi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,13-15,20-24,32-36,44-46 and 51-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,13-15,20-24,32-36,44-46 and 51-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply response to the response filed May 11, 2007.

2. Claims 1-5, 13-15, 20-24, 32-36, 44-46, and 51-55 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 11, 2007 has been entered.

RESPONSE TO ARGUMENTS

4. Applicant's arguments received on May 11, 2007 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, previous Examiner had expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claims 1, 13, 20, 32, 44 and 51, Applicant argues that the prior art of reference does not fully disclose or fairy teach the limitations as claimed. It appears

as if the Applicant is attacking the references in a piecewise fashion, instead of in combination, as intended by the previous Examiner and as shown below in the rejections under 35 USC § 103(a). In addition, it appears as if the Applicant is reading limitations into the claims from the specification. Even though, the points argued are apparently recited in the claims themselves. However, the examiner as not been able to establish support for such claim limitations within the specifications. For that reason, a solid argument in their contemplation cannot be established. Subsequent amendments to the claim language that would include the positions presented by the Applicant's arguments would provoke the Examiner to address the claims individually and as a whole, in light of the remaining limitations as well as the specification. Until such amendments are rendered valid and supported, the arguments are disregarded and will not be countered.

In the instant case, the Applicant proposes that the rejections do not teach a system wherein encrypted and unencrypted portions are both sent and compared and stored. In the rejections below, the Examiner has shown multiple examples contained within a plurality of methods for sending, receiving, and comparing both encrypted and unencrypted portions of digital data. Examiner would like to point out that a digital signature is reversible and can be compared with a generated signature or reversed signature as to provide proof of authenticity of such data as the signature accompanies. As for the data being an identification data or any other data it does not change the fact that data is encrypted and decrypted for comparison. To the machine it makes no difference and it is only the applicant's intended use as "identification information" that is the representation data.

In summary, the Examiner has taken the broadest and most reasonable interpretation of the claim limitations as written, in light of the specification. Although the specification may contain recitations of intended use, alternative points of view and subjective interpretative differences between the prior art of record and the present invention as premeditated, it is the claims themselves that are given patentable weight only inasmuch as they are constructed. Because the claimed invention has been painted with the broad stroke of petitioning for limitations that

encompasses more than is asserted in the Applicant's claims, the prior art of record continues to fully discloses the Applicant's inventions *as claimed*.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The amended independent claims contain the newly introduced one form or other limitations as to a "storage means for storing the encrypted identification information and the identification information".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-5, 13-15, 20-24, 32-36, 44-46, and 51-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 13, 20, 32, 44, and 51 in one form or other all recite the similar limitations as to a "storage means for storing the encrypted identification information and the identification information". However, the examiner has made and exhaustive attempt to locate support for such limitation within the specification and has not been able to establish presence of such support in the specification. Applicant is strongly encouraged to provide the examiner with specific page number and line number as to where in the specification such support for stated limitation exists.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-5, 13-15, 20-24, 32-36, 44-46, and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-65662 (JP `662 hereinafter) in view of Schneck et al. (Schneck hereinafter: US PAT. 6,314,409 B2) and Ryan et al. (Ryan hereinafter: US PAT. 6,374,036 B1), and further in view of Schneier "Applied Cryptography" (c) 1996.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 13, and 20:

JP `662 discloses an information signal playback system having all of the features claimed except for the explicit disclosure of (a) the output means for supplying the information on copyright protection encrypted by the encryption means and the unencrypted information on copyright protection and the main information signal on which copy control information is embodied to the information signal processing apparatus and (b) a watermark detecting means: see an attached figure. However, Schneck discloses the output means for supplying the

information on copyright protection encrypted by the encryption means and the unencrypted information on copyright protection and the main information signal on which copy control information is embodied to the information signal processing apparatus and copy control information for a system to control access and distribution of digital property (e.g., Abstract; col. 7, lines 22-50; col. 10, lines 47-65; col. 13, lines 58-62; col. 23, lines 25-27). Further, Ryan discloses the use of watermark for controlling copy of a digital video signal. In column 3, lines 23-35, Ryan discloses comparing values from the watermark to ensure that only authorized use of the digitized work is allowed. Although Ryan does not specifically disclose that encrypted and unencrypted information are compared, the feature of comparing attributes to known standards is a variation of comparing bits and data streams that one of ordinary skill in the art would recognize as a viable and straightforward means of detecting fraudulent conduct. Thus, it would have been within the level of ordinary skill in the art to modify the system of JP `662 by adopting the teachings of Schneck and Ryan to enhance the functions of the claimed system by providing additional copy protection features.

Schneier, on at least pages 30 and 31 discloses the encryption/decryption process using hashing algorithms to produce and compare a string of resultant characters (HASH) before and after transmission of the digital file to ensure that the file was not tampered with enroute to its destination, exactly and clearly disclosing Appellant's limitation of *comparing means for comparing the decrypted information on said copyright protection with the unencrypted information on said copyright protection to judge if an attempt to alter the information on said copyright protection has been performed.* It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of JP `662/Schneck/Ryan with the hashing technique of Schneier because this would provide an additional layer of protection during transmission of digital files.

Claims 32, 44, and 51:

None of JP `662, Schneck, Ryan and Downs explicitly discloses the claimed methods. However, it would have been obvious to operate the system, which would have been obvious as stated supra.

Claims 2,14, 21, 33, 45, and 52:

Both Schneck (e.g., col. 18, lines 11-17) and Ryan (e.g., col. 2, lines 30-35) disclose that the information on copyright protection is media-type information indicating the type of the recording medium. Thus, it would have been within the level of ordinary skill in the art to modify the apparatus and method of JP `662 by adopting the teachings of Schneck and Ryan to provide better control of reproduction of the information to the claimed apparatus and method.

Claims 3, 15, 22, 34, 46, and 53:

JP `662 does not explicitly disclose the use of CSS system. However, CSS system is one of old and well-known recording and reproducing system and nothing unobvious is seen to have been involved simply having employed this well known system for an information signal playback system of the sort here involved.

Claims 4, 5, 23, 24, 35, 36, 54, and 55:

None of JP `662, Schneck, Ryan and Downs explicitly discloses the use of additional information (additional digital watermark information). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to any desirable number of digital watermark information, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

With regard to the limitation of never-copy or copy once implementations, Ryan discloses using a watermark to enable copy once or never copy permissions for a digital work (abstract and

related text). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the copy permissions of Ryan because providing a means for controlling the unauthorized distribution of digital works, "...offers improved security and economics" (Ryan, column 2, lines 30-32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (571) 272-6702. The examiner can normally be reached on 10 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fischer Andrew can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

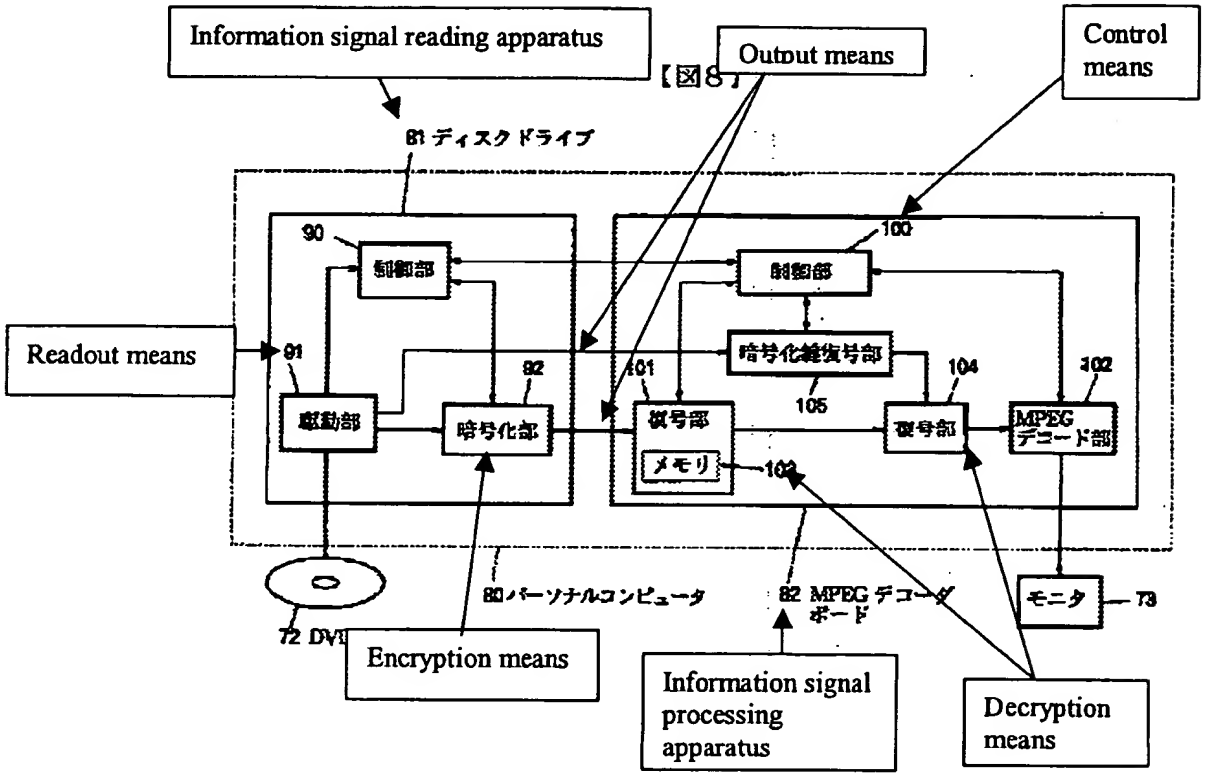
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kambiz Abdi
Primary Examiner
Art Unit 3621

July 20, 2007

KAMBIZ ABDI
PRIMARY EXAMINER

【図8】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Output means
Control means
81 ディスクドライブ
90
制御部
100
制御部
Readout means
91
駆動部
92
暗号化部
101
暗号化復号部
105
104
102
MPEG デコード部
メモリ
103
80 パーソナルコンピュータ
82 MPEG デコーダ ボード
モニタ
73
72 DVI
Encryption means
Information signal processing apparatus
Decryption means